

a plurality of serpentine segments are formed by a cutting step. Thus, the two are not substantially the same. Applicant respectfully requests that the objection be withdrawn.

(4)

In the Office Action claims 23, 25, 26, 29, 30, 32, 34, and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Yan (US 5,843,172). The Office Action points to column 2, lines 7-14; column 6, lines 61-column 7, line 7; column 7, lines 30-52; and Figures 2, 6, and 8 for support of this rejection.

Independent claims 23 and 32 recite a method of manufacturing a stent in which a tube is provided having at least two different axially spaced regions of different physical characteristics. This feature is not disclosed in Yan. Column 6, lines 61- 65 of Yan discloses radially spaced layers formed from different sintered particles. Figure 2, identified in the Office Action, shows a microscopic view of a portion of a stent having cavities or pores of various sizes. Fig. 6 is a cross-sectional view showing a stent wire having an inner core with larger pores than the outer layer Fig. 8 shows a distribution of pore sizes. There is no teaching in any of these figures, however, of the cavities being distributed axially along the stent in such a way that the stent has axially spaced regions of different physical characteristics. For these reasons, Applicant respectfully requests that the 102(e) rejection of independent claims 23 and 32 and claims 24, 26, 29, 30, 34, and 35 dependent thereof be withdrawn.

(6)

In the Office Action, claims 24 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yan (US 5,843,172) in view of Scott (US 5,903,815). The Office Action asserts that Yan discloses all the claimed subject matter except for a first portion of the tube being made from a first metal and a second portion of the tube axially spaced from the first portion of the tube being made from a second metal different from the first metal. The Office Action further asserts that Scott discloses a first portion of an article being made from a first metal and a second portion axially spaced from the first portion of the tube being made from a second metal different from the first metal.

Yan, does not provide any suggestion for constructing a stent with the different axial regions recited in the instant claims. Thus, there is no motivation to turn to Scott. Even if there were motivation to refer to Scott, Scott does not provide any examples involving stents. One of the examples in Scott involves a gear (Fig. 5). Figs. 9-11 show another component but it is not clear what the component is. Therefore, even if Scott teaches the construction of items with different regions made from different powdered metals, there is no motivation, notwithstanding Yan, to apply the techniques of Scott to construct a stent from a tube with the different axially spaced regions recited in the claims. Applicant respectfully requests withdrawal of the rejection.

(7)

In the Office Action, claims 27, 28, and 36-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Gray et al. Gray is relied upon to teach the use of serpentine segments extending about the circumference of the stent.

As addressed above in paragraph 4, Yan fails to disclose a method of manufacturing a stent in which a tube is provided having at least two different axially spaced regions of different physical characteristics, as recited in the instant claims. Gray does not supply or even suggest this missing teaching. The stent of Gray may be fabricated from a tube, for example, stainless steel (see. Col. 4, lines 62-65). Gray does not disclose or suggest that the tube have a first region and a second region which is axially displaced from the first region wherein the two regions have different physical characteristics. Therefore, even if combination with Gray et al was obvious, all elements of claims 27, 28, and 36-39 of the instant application would not be disclosed. Applicant respectfully requests withdrawal of the rejection.

(8)

In the Office Action, claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Gray et al and Scott. The Office Action asserts that Yan discloses all the claimed subject matter except for at least some of the openings being bounded at a proximal end by a first serpentine segment made of a first metal and at a distal end by a second

serpentine segment made of a second metal different from the first metal. The Office Action further asserts that Gray et al and Scott disclose the subject matter undisclosed in Yan'172 and that one of ordinary skill in the art would combine these references.

Again, Yan fails to disclose a method of manufacturing a stent in which a tube is provided having at least two different axially spaced regions of different physical characteristics.

As discussed above in paragraph 7, Gray also does not teach this feature. Furthermore, as discussed in paragraph 6, there is no motivation to combine Yan and Scott to manufacture a stent from a tube having axially spaced regions of different physical characteristics. Even if there were a motivation to combine Yan, Gray and Scott, there is no motivation, notwithstanding Yan and Gray, to apply the techniques of Scott to construct a stent from a tube with the different axially spaced regions recited in the claims. Withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 23-40, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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